

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 31, 2000

DIVISION ONE

B127432 McAllister
v.
Blue Cross of California et al.

Plaintiff's petition for rehearing having been improvidently granted, the clerk is directed to refile the opinion, originally filed on March 13, 2000.

B127432 McAllister (Not for Publication)
v.
Blue Cross of California et al.

We affirm the order denying class certification. Respondents are awarded their costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B138420 People (Not for Publication)
v.
Barnes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B130697 Flo-Loc Control Systems, Inc. (Not for Publication)
 v.
 Ernesto Ruben Gonzalez

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B131117 Pinhas Karbasi (Not for Publication)
 v.
 Hollywood Park Operating Company et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

B131051 James E. Garrison et al. (Not for Publication)
 v.
 Reliance Insurance Company

The judgment is reversed. The matter is remanded to trial court with directions to vacate its order granting Reliance's motion for summary judgment and to enter a new order denying that motion and for further proceedings consistent with the views expressed in this opinion. Plaintiffs are awarded their costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

DIVISION ONE (Continued)

B138124 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Michelle S.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B136856 People (Not for Publication)
v.
Nugucci P.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B129732 People (Not for Publication)
v.
Marquez

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
 Aragon, J. (Assigned)

DIVISION ONE (Continued)

B130683 People (Not for Publication)
v.
Zeghtchanian

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Aragon, J. (Assigned)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B136389 Retana (Not for Publication)
v.
Tig Insurance Company

The appeal is dismissed.

Spencer, P.J.

We concur: Masterson, J.
Aragon, J. (Assigned)

May 31, 2000-Continued

DIVISION ONE (Continued)

B130975 People (Not for Publication)
v.
Abbage

The judgment (order granting probation) is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B133037 People (Not for Publication)
v.
Reddick

The judgment is affirmed.

Spencer, P.J.

We concur: Masterson, J.
Aragon, J. (Assigned)

B121863 People v. Camarena (Not for Publication)
B136468 In re Camarena on Habeas Corpus

The judgment is affirmed. An order to show cause has been issued.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B131880 People (Not for Publication)
v.
Cedillos

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B132208 Naim et al. (Not for Publication)
v.
Lalezarian

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Aragon, J. (Assigned)

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The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

May 31, 2000-Continued

DIVISION ONE (Continued)

B131692 Askmo (Not for Publication)
v.
Askmo

The matter is remanded with directions to reconsider respondent's motion for relief from the default judgment in accordance with the views expressed herein. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION TWO

B128135 Anthony
v.
Taylor

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B127853 Greene (Not for Publication)
v.
Avila et al.

The judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

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The order under review is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B137596 Ricardo G. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Cooper, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B118182 Alpert (Certified for Publication)
v.
Villa Romano Homeowners Association

The judgment of nonsuit is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Appellant shall recover her costs on appeal.

Goodman, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

May 31, 2000-Continued

DIVISION TWO (Continued)

B119732 Goffney (Not for Publication)
v.
Family Savings & Loan Association et al.

The judgment is affirmed. Respondent(s) to recover costs.

Goodman, J. (Assigned)

We concur: Nott, Acting P.J.
Cooper, J.

DIVISION THREE

B115766 Melissa Rakestraw et al. (Certified for Partial Publication)
v.
California Physicians' Service, etc.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

I concur: Croskey, J.
I dissent: Klein, P.J. (Opinion)

B120537	Chateau Chamberay Homeowners Assoc., et al.	(Not for Publication)
B124001	v.	
B124002	Robert Koss et al.	

The judgments in favor of the Association and the individual director cross-defendants and against Koss and Heath are affirmed. The order striking attorney fees as costs is reversed. On the Association's duly noticed motion, the trial court shall determine the amount of attorney fees to be awarded to the Association as costs in the action. Each party shall bear its own costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B123927 People (Not for Publication)
v.
Cisneros et al.

The judgments are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B128289 People (Not for Publication)
v.
Guel

The judgment is reversed and the matter remanded for a new trial consistent with the principles enunciated in this opinion.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B127968 People (Not for Publication)
v.
Borg

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the correct amount of restitution ordered in the sum of \$261,000.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is modified by striking appellant's conviction on count 2, a violation of Penal Code section 496, subdivision (a). The abstract of judgment is to be corrected to reflect the striking of count 2, and to conform to the oral imposition of four one-year enhancements pursuant to Penal Code section 667.5, deleting the four stayed enhancements. In addition, the abstract of judgment shall be amended to correct the clerical error in the spelling of the victim, "Doug's U-Rent." In all other respects, the judgment is affirmed. The trial court is ordered upon issuance of the remittitur to send a corrected abstract of judgment to the Department of Corrections.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B135327 Gularte (Not for Publication)
v.
Fremont Life Insurance Co.

The order entering judgment of dismissal is vacated. The case is remanded to the trial court to enter a new and different order overruling the demurrers to the second, third and fifth causes of action of the third amended complaint and sustaining the demurrers to all other causes of action. Appellant to recover costs on appeal.

Rubin, J. (Assigned)

We concur: Hastings, Acting P.J.
Curry, J.

B137707 Haynie
v.
Superior Court, Los Angeles County
(County of Los Angeles, r.p.i.)

Filed order denying petition for rehearing.

DIVISION FIVE

B125295 Oliver Duggal et al. (Certified for Publication)
 v.
 Future Telcom, Inc.

The judgment is affirmed. Respondents ATT and GE to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B136901 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Irma L.
 In re Alejandra L.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B132129 Jamileh Hahjobi (Not for Publication)
 v.
 Sid Molayem

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B131339 Ilse Wheeler (Not for Publication)
 v.
 Brad Barry Company, Ltd.

The judgment is affirmed. Each party to bear their own costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B132969 People (Not for Publication)
 v.
 Tony Lee Harris

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B138981 County of Los Angeles
 v.
 Superior Court
 Kirsten Fox et al.

Filed order denying petition for rehearing.

May 31, 2000-Continued

DIVISION SIX

B130068 People (Not for Publication)
v.
Neff

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B134227 People (Not for Publication)
v.
Kinnamon

The cause is remanded to the trial court with directions to exercise its discretion in determining whether or not to impose concurrent or consecutive sentences for robbery and attempted murder. In all other respects the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B133289 People (Not for Publication)
v.
DeMinico

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

May 31, 2000-Continued

DIVISION SIX (Continued)

B137450 People (Not for Publication)
v.
Albillar

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.